

IFW

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 17, 2007

Signature: [Signature]

(Kevin M. Kocun)

Docket No.: SPINE 3.0-455 CIP CONT IV
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Zubok et al.

Application No.: 10/781,505

Group Art Unit: 3733

Filed: February 18, 2004

Examiner: Not Yet
Assigned

For: INSTRUMENTATION AND METHODS FOR
USE IN IMPLANTING A CERVICALDISC
REPLACEMENTDEVICE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Official Action mailed December 19, 2006, setting forth a Restriction Requirement in the above-identified application. In the Official Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-18, drawn to a drill guide, classified in class 600, subclass 27.

II. Claims 19-24, drawn to a method, classified in class 606, subclass 96.

In response, Applicants hereby elect the invention of Group I, corresponding to claims 1-18. However, Applicants

Application No.: 10/781,505

Docket No.: SPINE 3.0-455 CIP CONT IV

reserve the right to file one or more divisional and/or continuation applications corresponding to the non-elected claims.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: January 17, 2007

Respectfully submitted,

By 

Kevin M. Kocun

Registration No.: 54,230
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090

(908) 654-5000
Attorney for Applicants

LD-469\